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HOUSE BILL 2246  
By West

AN ACT to amend Tennessee Code Annotated, Section 55-8-188,  
relative to violations of restrictions relative to HOV lanes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-188, is amended by adding the  
following as a new subsection thereto:

( ) (1) A law enforcement officer may issue a written traffic citation to the driver of any  
vehicle other than a high occupancy vehicle in an HOV lane during restricted hours by mailing,  
with the necessary postage prepaid, such written traffic citation to the residence of record of the  
owner of such vehicle. Accompanying the written traffic citation shall be a photograph taken of  
the vehicle while such vehicle is in an HOV lane during restricted hours. The law enforcement  
officer shall use every reasonable effort to photograph the license plate of the vehicle which is  
improperly in an HOV lane.

(2) The owner of the vehicle other than a high occupancy vehicle in an HOV lane is  
inferred to be the driver of such vehicle at the time the vehicle was in an HOV lane. The citation  
shall demand the person cited to appear in court at a stated time and it shall state the name and  
address of the person cited, the name of the issuing officer, and the offense charged. Unless  
the person cited requests an earlier date, the time specified on the citation to appear shall be as  
fixed by the officer issuing the citation. The citation shall give notice to the person cited that  
failure to appear as ordered is punishable as contempt of court. The citation shall be executed  
in triplicate, the original to be delivered to the court specified therein, one (1) copy to be mailed

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to the person cited, and one (1) copy to be retained by the officer issuing the citation. The original citation delivered to the court shall be sworn to by the issuing officer before a magistrate or official lawfully assigned such duty by a magistrate.

(3) Whenever a traffic citation has been prepared, mailed, and the original citation delivered to the court as provided herein, the original citation delivered to the court shall constitute a complaint to which the person cited must answer and the officer issuing the citation shall not be required to file any other affidavit of complaint with the court.

(4) Prior to the time set for the person to appear in court to answer the charge, the person cited may elect not to contest the charge and may, in lieu of appearance in court, submit the fine and costs to the clerk of the court. The submission to fine must be with the approval of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed. The submission to fine shall not otherwise be exclusive of any other method or procedure prescribed by law for disposition of a traffic citation which may be issued for a violation of any provision of this chapter or chapters 8, 9 or 50 of this title.

(5) If the person cited has not paid the traffic citation upon submission to fine as provided in this section and the person cited fails to appear in court at the time specified, or such later date as may be fixed by the court, the court may issue a warrant for such person's arrest or may declare a judgment of forfeiture for the offense charged. The judgment of forfeiture shall in no case be more than the total amount of fine and costs prescribed by law for the offense and may be collected in the manner provided in § 40-24-105.

SECTION 2. This section shall take effect July 1, 1998, the public welfare requiring it.